



PUBLIC NOTICE

Federal Communications Commission
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DA 02-665
Released: March 20, 2002

**DOMESTIC SECTION 214 APPLICATIONS FILED FOR CONSENT TO TRANSFER
CONTROL OF MID-HUDSON COMMUNICATIONS, INC. AND TECH VALLEY
COMMUNICATIONS, INC. TO TVC ALBANY, INC.**

PLEADING CYCLE ESTABLISHED

CC Docket No. 02-47

On February 28, 2002, Mid-Hudson Communications, Inc. ("Mid-Hudson") and TVC Albany, Inc. d/b/a Tech Valley Communications ("TVC") filed an application pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.01 of the Commission's rules, 47 C.F.R. § 63.01, requesting a transfer of control to TVC of Mid-Hudson's domestic section 214 authorization. On the same day, Tech Valley Communications, Inc. ("Tech Valley") and TVC filed a similar application requesting a transfer of control to TVC of Tech Valley's domestic section 214 authorization. These proposed transfers are related to a transaction in which Mid-Hudson and Tech Valley Communications, Inc. ("Tech Valley") will transfer a substantial portion of their assets, including control of their appropriate authorizations, to the newly-created TVC.¹

Mid-Hudson is a competitive local exchange carrier ("LEC") certificated by the State of New York. Mid-Hudson is authorized to provide domestic interstate facilities-based and resale services under the blanket authority granted pursuant to section 63.01 of the Commission's rules, 47 C.F.R. § 63.01. Tech Valley is a competitive LEC certificated by the State of New York and the Commonwealth of Massachusetts. Tech Valley is authorized to provide domestic interstate IXC services under the blanket authority granted pursuant to section 63.01.

TVC is a newly incorporated company created specifically for the purpose of providing telecommunications services to Mid-Hudson's and Tech Valley's customers in New York and Massachusetts. Following the consummation of the proposed transaction, TVC will provide regulated and competitive telecommunications services to approximately 2500 residential and business customers in New York and Massachusetts.

¹ In connection with the proposed transaction, applicants are filing with the Commission applications for transfer of control of international section 214 authorizations held by Mid-Hudson Communications, Inc. and Tech Valley.

On November 27, 2001, Mid-Hudson, Mid-Hudson Cablevision, Inc. ("Mid-Hudson Cablevision") and Tech Valley entered into a Contribution Agreement, whereby the parties agreed to contribute capital and issue stock in order to create a new company to provide telecommunications services.² Pursuant to the Contribution Agreement, TVC was incorporated as a "C" Corporation in the state of Delaware on December 20, 2001. Tech Valley, Mid-Hudson and Mid-Hudson Cablevision, as TVC shareholders, have agreed upon officers and directors to properly manage and operate TVC.

Applicants assert that the proposed transaction is in the public interest because TVC will have greater economies of scale than the applicants have separately, thus strengthening competition in the New York and Massachusetts telecommunications markets. Applicants also assert that TVC will be able to invest significantly in its networks and services to provide expanded domestic and international services. Applicants state that approving the transfer of Mid Hudson's and Tech Valley's domestic section 214 authority to TVC strengthens competition in the domestic telecommunications market, increases consumer choices for domestic telecommunications services, and enhances economic development in the United States, and that the impact on customers from this proposed transaction will be virtually non-existent.

GENERAL INFORMATION

The transfer of control applications identified herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file petitions to deny on or before **April 3, 2002**.³ Final action will not be taken on the applications earlier than 15 days following the date of this Public Notice.

All filings concerning any or all matters in this Public Notice should refer to **CC Docket No. 02-47**. Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an Order⁴ temporarily amending certain procedural rules on an emergency basis. Pleadings must be filed electronically (*i.e.*, by e-mail or facsimile), by overnight delivery service, or by hand delivery to the Commission's

² Mid-Hudson Cablevision is a communications corporation providing cable television and related services in New York and will be an equity partner in TVC. Mid-Hudson Cablevision does not and will not provide telecommunications services.

³ See 47 C.F.R. § 63.52.

⁴ See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, FCC 01-345 (rel. Nov. 29, 2001).

Massachusetts Avenue location.⁵

- **If filed electronically** by e-mail, pleadings shall be filed at the following e-mail address: CCBSecretary@fcc.gov. Please also copy all those listed below. For security purposes, it is recommended that documents filed via electronic mail be converted to PDF format.
- **If filed by facsimile**, pleadings shall be faxed to (202) 418-0187. The fax transmission should include a cover sheet listing contact name, phone number, and an e-mail address (if available).
- **If filed by hand delivery**, documents shall be delivered to the Commission's contractor, Vistrionix, at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. All hand deliveries must be held together with rubber bands or fasteners, and any envelopes must be disposed of before entering the building.
- **If filed by overnight delivery service** other than U.S. Postal Service (USPS) Express Mail and Priority Mail, filings must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, S.W., Washington, D.C. 20554.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Bill Dever, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (4) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; e-mail: iellis@fcc.gov.
- (5) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Copies of the application and any subsequently filed documents in this matter may be

⁵ See *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, DA 01-2919 (rel. Dec. 14, 2001).

obtained from Qualex International, in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at qualexint@aol.com. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through the Commission's Electronic Comment Filing System (ECFS), which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

In addition to filing paper comments, parties may also file comments using the ECFS.⁶ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Policy and Program Planning Division, Common Carrier Bureau at (202) 418-1578.

⁶ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).